

General Order

Houston Police Department



ISSUE DATE:

August 24, 2020

NO.

600-09

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-09, dated April 24, 2015

SUBJECT: CRASH INVESTIGATIONS

POLICY

Motor vehicle crashes represent a major cause of death, personal injury, and financial loss. Employees shall follow the procedures and priorities for handling crash investigations outlined in this General Order.

This General Order applies to classified employees and emergency communications personnel.

DEFINITIONS

Blue Form. The Texas Department of Transportation's *Driver's Crash Report* (Form CR-2) available on the department's Intranet Portal.

Crash Report. The Texas Department of Transportation's *Texas Peace Officer's Crash Report* (Form CR-3) contained in the *Crash Reporting for a Safer Houston* (CRASH) system accessible via a mobile computing device (MCD) or the department's Intranet Portal.

1 ASSIGNMENT OF CALLS

Upon receiving a citizen's request for a crash investigation, a Houston Emergency Center (HEC) call taker shall instruct the citizen to make a report at a police station within 24 hours. However, if one or more of the following is also true, then the dispatcher shall send an officer to the scene to investigate and complete a *Crash Report*.

- a. Someone was injured in the crash.
- b. A driver involved in the crash is or appears to be intoxicated.
- c. A driver involved in the crash does not have a driver license.
- d. A driver involved in the crash is unable to provide proof of financial responsibility.
- e. A vehicle involved in the crash is not mechanically able to be driven from the scene.
- f. Federal, state, county, or City property and/or vehicles are involved.
- g. A hit-and-run collision occurred.
- h. A school bus (public or private) is involved.
- i. The motor vehicle crash involved a bicyclist or pedestrian.

Unless one of the aforementioned situations applies, dispatchers shall instruct citizens to move their vehicles to a safe location off the freeway or roadway, to exchange information, and to make a report at a police station.

If a party insists that an officer respond to the scene or an officer on-views or is flagged down concerning a minor vehicle crash, the arriving officer shall make an inquiry. If no investigation is required and none of the aforementioned situations applies, the officer shall issue a *Blue Form* for the citizens to complete and retain for their records. A citizen merely demanding a *Crash Report* be completed is not a reason for an officer to conduct an investigation. If the circumstances allow a *Blue Form* to be issued at the scene, a *Blue Form* may also be issued at the police station.

A Vehicular Crimes Division (VCD) investigator shall be called to motor vehicle crashes involving any of the following:

- j. A fatality.
- k. Failure to stop and render aid (FSRA) with *serious bodily injury*.
- l. Any law enforcement vehicle or fire department vehicle.
- m. Catastrophic or life-threatening injury, including amputation.

If available, VCD or Traffic Enforcement Division personnel may be called for other crashes occurring on a freeway or service road.

2 CRASHES ON PRIVATE PROPERTY

Officers shall investigate motor vehicle crashes that occur on private property only when they result in *serious bodily injury* or death. Private property includes private residential property or the property of a garage or parking lot for which a charge is made for storing or parking a motor vehicle.

For crashes occurring on "public" private property (e.g., shopping center parking lots, apartment parking lots), the only violation for which officers may issue a citation is backing not in safety. The only charges that may be filed involving a crash on "public" private property are:

- a. Failure to stop and give information (FSGI).
- b. Failure to stop and render aid (FSRA).
- c. Driving while intoxicated, intoxication assault, etc.

3 CRASH SCENE MANAGEMENT

Unless circumstances allow for issuance of a *Blue Form*, officers on the scene of a vehicle crash shall manage the scene, conduct an investigation, gather crash scene information, and complete a *Crash Report* as outlined in this General Order.

Vehicles involved in minor crashes are to be removed from the freeway or roadway to crash investigation sites or other safe places that will not distract the attention of other drivers.

At major or fatal crash scenes, officers not directly involved in the investigation shall direct traffic around the scene. The scene supervisor is responsible for ensuring that police officers direct traffic at the appropriate locations in order to return traffic flow to normal as quickly as possible.

Whenever possible, officers shall photograph City equipment or City property involved in a crash. Private photographers may take photographs of any crash or crime scene, unless doing so interferes with the on-scene investigation. See General Order 600-21, **Public Recording of Police Activity**.

Unless otherwise instructed by a VCD supervisor, officers shall clear crash scenes as quickly as possible after obtaining all crash scene information necessary to complete a *Crash Report*. If officers respond to a crash scene that involves a fatality or potential fatality, they are to protect the scene and the evidence at the scene until the arrival of VCD officers, who shall take control of the scene. Officers shall complete *Crash Reports* only after crash scenes are cleared.

Any portion of a vehicle or its load is considered a part of that vehicle. This includes a trailer whether it is damaged or not.

For crashes involving oil spills or the loss of a load, cleanup crews and heavy equipment (e.g., front-end loaders) are available 24 hours a day from the Texas Department of Transportation.

Officers shall contact the HPD Truck Enforcement Unit under any of the following circumstances involving a commercial motor vehicle (CMV) with a gross vehicle weight rating of 10,001 pounds or greater.

- a. Fatality crashes.
- b. Crashes involving road closures.
- c. All hazardous material incidents.
- d. Major freeway incidents.
- e. Crashes involving any City vehicle.
- f. Crashes involving any law enforcement vehicle or any fire department vehicle.
- g. Lost or shifted loads and any other circumstances that create a danger to public safety.

4 **CRASH INFORMATION**

Officers shall ensure that the following information is exchanged between the parties involved in a crash:

- a. Name and address of drivers.

- b. Driver license information.
- c. Motor vehicle liability insurance information (not amounts of insurance coverage).
- d. License plate number of the vehicles involved.
- e. Vehicle identification number (VIN) printed on the VIN plates of the vehicles involved.

Crash victims who want a copy of the *Crash Report* should be advised to wait ten *calendar days* from the date of the crash before going to the Records Division to obtain a copy of the report for a small fee. Crash victims should be encouraged to call the HPD Records Division to check on the status of their report before going to the Records Division to purchase a copy. Citizens can also purchase a copy of their *Crash Report* via the Internet by going to the HPD website and selecting the link to purchase it. *Crash Reports* are usually available online approximately ten *calendar days* after the crash.

It is important that officers obtain all authorized proof of financial responsibility information from the drivers involved in a crash and that they list this information on the *Crash Report*. If a driver does not have proof of financial responsibility, which may be presented via cellular telephone, the *Crash Report* shall include the number of the citation issued to the uninsured driver. If a driver claims to have proof of financial responsibility or produces an expired proof of financial responsibility card, officers shall attempt to verify the proof of financial responsibility by conducting a registration check through the TexasSure program using a mobile computing device (MCD) or the dispatcher. If using an MCD, officers shall check the box labeled "detailed registration" on the Vehicle Check screen in order to satisfy this requirement. If issuing the driver a citation for failing to present proof of financial responsibility, the officer shall write "Checked Insurance Database" on the top of the citation or in the Citizen Miscellaneous Tab of the Electronic Ticket Writer.

While gathering information needed for the *Crash Report*, officers are required, if physically possible, to note the VINs by personally observing the VIN plate on each involved vehicle as opposed to obtaining the VINs from other sources.

Officers responding to fatal or possible fatal crash scenes shall make every effort to keep witnesses on the scene until a crash investigator arrives. While officers may not detain persons who are only witnesses, officers should stress the importance of the witness statement and encourage them to remain on the scene. In general, any restraint or detention of a person that amounts to a seizure is unreasonable unless justified by reasonable suspicion or probable cause.

Officers should at a minimum obtain the names, addresses, and telephone numbers of all witnesses that need to leave the scene of the crash so that they can provide a statement to investigators at a later time.

If an officer determines that a crash involved only a driver who *intentionally* hit another vehicle, person, or property, the officer shall complete an incident report for the appropriate offense instead of a *Crash Report*. Such incidents are not FSGI or FSRA incidents.

5 CRASH VIOLATIONS

The violation of law that causes a collision shall be shown on the citation with the word "accident" in parentheses following the charge. For example:

- a. Changing lanes not in safety (accident).
- b. Failure to control speed (accident) shall be used in most rear-end collisions with a moving vehicle and collisions with a parked automobile. Following too closely (accident) shall be used in all other appropriate incidents.

After completing an investigation, the officer should issue the proper citation to the violator in a motor vehicle crash. Valid reasons for not issuing a citation are listed below:

- c. Minor damage to the vehicles involved.
- d. Mechanical failure that occurred at the time of the crash (i.e., it was not pre-existing).
- e. No damage to the complainant's vehicle.
- f. Violator could not be determined.
- g. Double violation committed (there were contributing minor violations by more than one involved driver).
- h. Unable to place driver behind the wheel.
- i. Person has diplomatic immunity (see General Order 500-15, **Contact with Representatives of Foreign Governments**).
- j. A greater charge was filed (e.g., driving while intoxicated or driving under the influence of drugs).
- k. Extenuating circumstances, such as road hazards that caused the crash.

If a citation is not issued, one of the reasons listed above shall be entered in the narrative section of the *Crash Report*.

Any and all citations written are set in the officer's regular traffic court and turned in with the officer's work card after he has logged them on the appropriate *Crash Report*.

Citations issued as a result of crash investigations shall contain the incident number and shall be separated from other citations and delivered to VCD. VCD shall collect crash citations for the Municipal Courts to process.

Officers shall not issue a citation if a driver potentially faces felony charges that are directly related to the cause of the crash. Disposition of a citation may preclude further prosecution of the driver in such cases.

6 CRASH REPORTS

Officer's Responsibilities

All officers submitting *Crash Reports* shall use the *Crash Reporting for a Safer Houston* (CRASH) system to complete the *Crash Report*. The CRASH system is accessible via an MCD or the department's Intranet Portal.

Officers shall ensure that all appropriate data fields on the *Crash Report* are completed with the appropriate and relevant information. All *Crash Reports* require a narrative and diagram. At minimum a report should include the location of the crash, width of the street, direction of travel of the vehicles, point of impact, length of skid marks, if any, factors causing the crash, damage to vehicles, disposition of vehicles involved, and other pertinent information involving the crash. Additionally, officers shall document all driver and witness statements and telephone numbers on the HPD supplemental information page to the *Crash Report*.

Officers shall complete the *Crash Report* by the end of their shift or notify their supervisor to receive permission to deviate from this requirement.

Supervisor's Responsibilities

The supervisor of an investigating officer is responsible for checking the *Crash Report* for accuracy and completeness using the CRASH system. If errors are found, the supervisor shall note the error, reject the report in the system to send it back to the officer, and then personally notify the officer of the need for corrections. Once the supervisor determines that the report is correct and complete, the supervisor shall approve the report in the CRASH system so that it can be further processed and made available for public purchase.

Supervisors shall monitor their subordinates' reports in the CRASH system and ensure that *Crash Reports* are reviewed, corrected, and approved in the CRASH system within five *calendar days* following the incident. Upon approval in the CRASH system, *Crash Reports* are immediately sent to TxDOT in an electronic format. The Texas Transportation Code requires *Crash Reports* to be sent to the Texas Department of Transportation within ten *calendar days* following the incident.

FSGI, FSRA, and Fatality Incidents

FSGI, FSRA, and fatality incidents require both a *Crash Report* and an incident report. Officers shall not list the suspect as "charged" on the *Crash Report* unless charges have been filed.

To support the ability to identify the suspect in such incidents, officers should include the following information in the incident report narrative:

- a. Detailed suspect description.
- b. Suspect vehicle description.
- c. Circumstances of the offense.
- d. Witness statements describing their observations.

- e. Whether or not a driver or witness can identify the suspect.
- f. If the complainant wants to pursue criminal charges.

When investigating an FSGI or FSRA incident, officers shall check the "Hit and Run" box on the *Crash Report*. If an individual is claiming injury but there is no visible injury apparent to the officer, the incident report title shall reflect "FSGI." The Hit and Run Unit shall upgrade the incident report title if it proves to be an FSRA. The title of the incident report shall reflect "FSRA" if the incident involves an obvious or confirmed injury or death to a person.

FSGI Incident Report Titles

In an effort to identify FSGI cases in the department's records management system (RMS), officers shall use the following incident report title options for FSGI incidents:

- a. *FSGI – No full plate or unable to ID suspect driver.* This report title shall be used when there is insufficient evidence or information for VCD to conduct a follow-up investigation (i.e., an incomplete suspect vehicle license plate is provided and/or the complainant will not be able to identify the driver of the suspect vehicle in a lineup).
- b. *FSGI – Damage under \$1,000 or private property.* This report title shall be used in all FSGI cases when, in the investigating officer's opinion, the damage of the complainant's vehicle is less than \$1,000 and/or the crash occurred on private property.
- c. *FSGI – Full plate and able to ID suspect driver.* This report title shall be used when damage to the complainant's vehicle exceeds \$1,000 and there is sufficient evidence or information for VCD to conduct a follow-up investigation (i.e., both a complete suspect vehicle license plate is provided and the complainant will be able to identify the suspect driver in a lineup).

7 AIRCRAFT CRASHES

The National Transportation Safety Board (NTSB) defines aircraft crashes as occurrences associated with the operation of an aircraft, and in which any person suffers death or *serious bodily injury*, or in which the aircraft receives substantial damage that would normally require major repair or replacement of the affected component.

Due to the unique nature of aircraft crash scenes and the expertise required to thoroughly investigate these events, the NTSB and the Federal Aviation Administration (FAA) shall be treated as the primary investigators at an aircraft crash site. VCD shall be responsible for responding to all aircraft crashes that occur within the city limits of Houston, including on City owned airport property, to assist with the investigation as needed. The VCD's Crash Reconstruction Unit shall respond to the scene, complete an incident report, and act as the department liaison with the NTSB and FAA.

Crashes Occurring on Airport Property

The concerned HPD Airport Division shall assign responding units to aircraft crashes that occur within the confines of the City of Houston airport property (i.e., IAH Airport, Hobby Airport, or Ellington Airport) to assist with the investigation as needed. Patrol officers from surrounding

districts may assist Airport Division officers at crash scenes on City owned airport property if Airport Division officers request such assistance.

Crashes Occurring off Airport Property

Patrol officers from the district where the crash occurred may assist with traffic control and scene management.

Safety Considerations

First responders shall be aware of potentially dangerous materials that might be present at an aircraft crash site. Such materials may include, but are not limited to:

- a. Chemical, biological, radioactive, or explosive materials
- b. Fuel
- c. Pressure vessels
- d. Compressed air
- e. Hydraulics
- f. Batteries
- g. Accumulators
- h. Igniters
- i. Oxygen systems
- j. Oxygen bottles
- k. Fire extinguishers
- l. Evacuation chutes
- m. Flares
- n. Composite materials
- o. Ballistic parachute systems
- p. Tires

Responding Officer's Responsibilities

Responding officers shall contact the HPD Command Center. Command Center personnel shall immediately contact both the NTSB and the FAA and provide the location of the aircraft crash

and any known information related to serious injuries, fatalities, or substantial damage to the aircraft involved.

Prior to NTSB arrival, officers arriving at the scene shall conduct the following steps:

- a. Verify with the fire department that the scene is declared fire safe before taking control of the crash site.
- b. Establish a 300-foot perimeter around the crash site.
- c. Establish an entry point to the scene and set up a mobile command post.
- d. Protect property.
- e. Prevent the disturbance of wreckage and debris except to preserve life, rescue the injured, or protect the wreckage from further damage.
- f. Protect and preserve ground scars and marks made by the aircraft.
- g. Allow public safety personnel access to the wreckage to the extent necessary to preserve life and/or stabilize hazardous materials.
- h. Maintain a record of personnel who enter the crash site.
- i. Restrict access to only the following authorized personnel:
 1. NTSB and FAA.
 2. Medical Examiner/Coroner.

Upon NTSB arrival on scene, all access will be controlled by NTSB.

Officers shall maintain a perimeter around the crash site until the NTSB or FAA have completed their investigation or they are relieved by the NTSB or FAA.

8 CRASHES INVOLVING METRO CONTROLLED ROADWAYS OR METRO VEHICLES

All crashes that occur on METRO controlled roadways shall be investigated by the METRO Police Department. If no METRO police officer is available, a Houston police officer may investigate the crash.

The METRO Police Department shall investigate all crashes involving *any* METRO vehicle or light rail car.

9 CRASHES ON TOLL ROADS

All crashes that occur on a toll road shall be investigated by a Harris County Constable's office.

10 NOTIFICATIONS

When a crash involves five or more fatalities, officers shall contact the NTSB at their 24-hour telephone number, 202-314-6290.

When a crash involves a fatality and the at-fault driver is not deceased and may be under the influence of a drug or alcohol, the responding VCD investigator shall contact the Command Center to request a Drug Recognition Expert (DRE) to make the scene. The investigator shall not delay this notification to confirm the fault of the potential at-fault driver.

The Harris County District Attorney's Office has a specialized unit to assist with the investigation of certain incidents involving motor vehicles. Any officer investigating an incident described below shall notify the Command Center, which shall then contact the Vehicular Assault/Traffic Safety Team in the District Attorney's Office.

- a. Any vehicular incident, accidental or intentional, that results in *serious bodily injury* to a child less than 15 years of age.
- b. Any vehicular incident, accidental or intentional, involving a fatality or homicide (excluding incidents in which the only potential suspect is deceased).

11 TRAFFIC ENGINEERING DEFICIENCIES OR HAZARDS

When an officer is told about or on-views a specific traffic engineering deficiency or hazard, the officer shall complete an HPD *Traffic Hazard Report* form available on the department's Intranet Portal.

The completed form shall be forwarded as indicated on the form to VCD for processing. The VCD division commander shall review the form and forward it to the City of Houston Public Works Department.

12 REFERENCE MATERIAL

Texas Transportation Code



Art Acevedo
Chief of Police